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## Freedom of Information Bill, A Policy for National Development: The Library's Perspective

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# **FREEDOM OF INFORMATION BILL, A POLICY FOR NATIONAL DEVELOPMENT: THE LIBRARY'S PERSPECTIVE**

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## **ABSTRACT**

*The paper examines freedom of information bill, a policy for national development: the library's perspective. The provision of timely and accurate information from an authentic source(s) is a booster to national development. Freedom of Information is the right to access information held by government and public institutions. Libraries are positioned to provide and promote access to information which will translate to development of the society. Freedom of information is a necessity in order to salvage the nation Nigeria. This paper therefore, is an opinion paper which gives us an overview of the FOI bill in Nigeria, the relevance of the bill as a policy for national development such as providing credible evaluation of the performance of government regimes, openness and transparency in government. Challenges of FOI in Nigeria was also revealed, some of which are: lack of awareness, lack of information flow, corruption etc. The study concluded with the library's perspective on FOI which shows that libraries are seen as an information centres/agents that will provide the necessary information on the FOI to the public. The FOI bill as it is today in Nigeria only resides in the constitution of the Federal Republic and not in the hearts of individual citizens, it is the library and other information centres that will bring it to the heart of the individual in Nigeria.*

**Keywords:** FOI Bill, Information, Policy, National Development, Libraries.

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## INTRODUCTION

Information is a commodity that can be generated and manipulated to produce more information and high-quality information resource enables the drive for decision making. Hence, countries are implementing strategies and policies that enable them take advantage of the opportunities that are offered by the use of information. Efficient flow, access to, and the use of information have become crucial factors in determining the strength of a nation. Kuunifaa (2011) state that access to information and transparency of governance is essential to ensuring accountability and prevents corruption.

Freedom of information is an extension of freedom of speech, a fundamental human right recognized in international law, which is today understood more generally as freedom of expression in any medium, be it orally, in writing, print, through the Internet or through art forms. This means that the protection of freedom of speech as a right includes not only the content, but also the means of expression (Wikipedia, 2019). Freedom of Information guarantees the right of an unrestricted access to public information including information held by all Federal government branches and agencies, as well as private institutions in which any Federal, State or Local government has controlling interest and those private institutions performing public functions. In addition, the freedom of information required these institutions to be independent in taking steps to become more transparent as part of this provision, the institutions will be required to make public data on the programmes and functions of their divisions, internal manuals used by employees in executing their functions, their finances and their names, title and income of all their employees (Goitom, 2011).

The freedom of information bill is to protect vital government information but the level of secrecy is so ridiculous that some government files contain ordinary information like newspaper cuttings which are already in public domain. There are also instances where civil servants refuse to give the National Assembly

Documentation after being asked to do so. The result of this is that journalists are denied access to information that is critical for accurate reporting and unravelling the web of corruption in Nigeria. “when you are in public office and have soiled your hand in the pot of corruption, you will try to prevent your being exposed by classifying as top secret documents that can implicate you” (IPS, 2011). Libraries and researchers also find themselves bared from accessing documents necessary for them. In the name of official secrets, somebody sits on information that will benefit millions of people. If these bills stand as a policy, people will sit up. If a public servant knows the public will get access to his fraudulent acts, he will be careful (Olukoya, 2011).

The library has a lot to contribute in the freedom of information bill in regards to the idea of open access to information. It is not out of point to say that issues concerning freedom and access to information cannot be fully discussed without the library. Libraries have been in the fore-front of open access since they stopped chaining books to the wall. Libraries help to empower people in the enrichment, orientation and development of the citizens towards inculcating national pride and right sense of national culture. Libraries are positioned to provide and promote access to information which will translate to development of the society. This paper therefore, seek to examine freedom of information, a policy for national development: the library’s perspective. Sub-headings that will be discussed are: the concept of information, policy, national development, library, history of FOI bill in Nigeria, its relevance as a policy, challenges and the library’s perspective.

### **Information as a Concept**

Information is viewed as data processing in the broadest sense, particularly in the collection, storage, processing, servicing organized data and information, that become essential for all economic and social exchanges. Knowledge is viewed as an organized set of facts or data, derived from information and presenting a judgment or an experimental result, which is transmitted to others

through some communication medium in some systematic form. It appears in the form of monographs, treatises, research papers, etc. which are collected by libraries and information centers. Information is the symbolic element used for communicating scientific and technical knowledge, irrespective of their nature (numeric, textual, etc.) material content, form of presentation, etc.

Information is an important resource which is essential for the progress of any individual and that of a nation, so access to right or relevantly updated information to its users is required at the right time for any literate society. Information has been defined by Business Dictionary. Com as follows: Data that (a) has been verified to be accurate and timely (b) is specific and organized for a purpose, (c) is presented within a context that gives it meaning and relevance, (d) can lead to an increase in understanding and decrease in uncertainty. We can see from these definitions that information has no substitute when it comes to national development. Any information society requires information at every step (Obinyan, Obinyan & Aidenojie, 2011).

### **Policy and National Development**

A Policy is a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body. They are standing plans that provide guidelines for decision making. According to Adomi (2008) a policy is a deliberate plan of action intended to guide decision and achieve rational outcome(s). Policies are written agreement meant to be followed to the latter for the purpose of accomplishment of specific tasks. Sometimes, policies could be oral statements—pronounced even when they have not been articulated in writing or enacted without being written (Gitu, 2001).

According to Omagbemi, Odunewu and Osifeso (2005) policy and decision making involve accurate, effective, and timely consideration of facts before a policy is arrived at. They further stated that a policy arrived at with limited and inaccurate information is more likely of failure and crisis which may bring the society for which it is made to serious disadvantages. In their own view,

Oyeniya and Olaifa, (2013) stated that a government policy is a combination of a people's collective hopes, wishes and aspiration. Government form policies in order to improve the quality of life of the people, but they are often restricted by poor implementation processes due to weak extractive capacity of the state, in relation to the economy, as well as by the dissipation of any resources.

Policies are the cutting edge of national development. They are the basic building blocks of development as quoted by Onah (2006). Policies are coordinated series of actions resulting from decisions of political actors. For the purpose of achieving developmental objectives, as observed by Salami (2004) policies are the gateway to National Development and no nation can ever attain any level of development without putting in place some policies capable of galvanizing the desired development. It is in realization of the importance of policies to national development that various governments in Nigeria since independence has come with one policy or the other in order to bring development to the country. Among these policies are, the indigenization policy of the Murtala/Obasanjo regime, the monetization policy, Universal Basic Education Policy (UBE), Privatization and Commercialization Policy, Information policy etc.

### **The Concept of the Library**

Library is defined as an organized collection of published books and audio-visual materials with the aid of the services of staff that are able to provide and interpret such materials as required, to meet the informative research, educational and recreational needs of its users. It is an agency through which sources of information of accumulated knowledge and experience are selected, acquired, organized, preserved and disseminated. Libraries provide a much wider range of information services from local, state and federal governments; organizations/institutions within and outside the country among others for the people. With the provision of variety of information sources, users of libraries are exposed to different information with their respective values. A very important

word, which is functionally synonymous with library, is “information dissemination”. Okiy (2015) stated that it is knowledge that allows people to contribute meaningfully to national development. She opined that the library is central to the provision of the right type of information resources that empowers the educational institutions to produce highly resourceful people to impact positively on national development.

### **Freedom of Information**

Freedom of Information refers to the right, which the public in any society has to access information held by government officials & institutions. It is a fundamental human right established under international Law. All citizens of any country and indeed all members of the public are entitled to enjoy this right (Ojo, 2015). It steps from the right to freedom of expression which is recognized by Article 19 of the Universal Declaration of Human Rights (1948) and states that freedom of expression encompasses the freedom to seek, receive and impart information and ideas through any media and regardless of Frontiers.

Freedom of Information is very important, as information is central to human existence. Without communication, the world will remain in darkness. Information is critical in decision making, as the quality of decisions we often make depend on the quality and volume of information at our disposal. Ossai-Ugbah (2012), Anyanwu, Akanwu and Ossai-Onah (2013) opined that Freedom of information facilitates open government by having access to government data, information records & files and also documents of any form. Kuunifaa (2011) state that access to information and transparency of governance is essential to ensuring accountability and prevents corruption. The Freedom of Information made it clear on how information records can be obtained such as right to access to records especially those under security classification and when it is refused, how redress will be followed immediately.

## **An Overview of Freedom of Information Bill in Nigeria**

This law was first submitted to the National Assembly when Nigeria returned to democratic rule in 1999, following a succession of military dictatorship. However, the legislatures four year term passed without the bill being voted on. The bill was later resubmitted after the previous National Assembly was inaugurated. Over a hundred media groups, business interests and human rights organizations joined forces to press for the introduction of the bill.

The International Press Centre (IPC), an NGO that supports independent media in Nigeria ran a campaign that urged all interested parties to send text messages to legislators in support of the bill (Olukoya, 2011). On May 24, 2011, both houses passed a harmonized version of the freedom of Information bill that came out of a 12 member harmonization, bringing the legislation a step closer to taking effect (Nigerian Observer May 25 2011).

On Saturday, May 31, 2011 Nigerians leader, president Goodluck Jonathan signed into law, the freedom of Information Act as passed by the National Assembly. That was one day after a copy of the bill was delivered to him by the clerk of the National Assembly Salisu Maikasuwa. In theory, the 18 page document has become official freedom of Information law by which Nigerian citizens can seek access to official information, but it remains to be tested.

This bill which first made an appearance in the National Assembly in 1999, languished there in the years that followed as squabbled it and president Olusegun Obasanjo expressed an open hostility to it. It made progress early in 2007 and was passed by both houses but it was barred by the president Obasanjo. After Obasanjo's departure, the bill finally achieved some success despite many other hurdles. It was during Goodluck administration that it was passed after being watered down considerably. Among other things, the legislators claimed it would compromise national security (Sahara Reports, 2011).

Inspite of President Goodluck Jonathan's epoch making assent in 2011, after considerably shedding. Media right groups frowns at President Buhari



refusal to sign the FOI bill as an indication that his government is unwilling to uphold and protect the freedom of expression and other human rights in Nigeria even after the 8<sup>th</sup> National Assembly passage of the bill.

### **The Relevance of the Bill as a Policy for National Development**

With the signing of Freedom of Information bill into law, there will be no more hiding place for institutions. The public will now know how our money and wealth have been vandalized by few Nigerians. Freedom of Information Act Guarantees the right of access to information held by public institution irrespective of the form in which it is kept and is applicable to private institutions where they utilize public funds, perform public functions or provide public services. With the FOI bill, Nigerians will fight corruption, and hold officials and institutions accountable. The signing of the bill into law is the clearest demonstration of the power of civil servant working together to influence public policy and initiate reform. It will make a lot of difference on how government is run. This act will encourage openness and accountability in government, checkmate corruption and indeed free some of the money stolen by public officials for development projects (Ononammadu, 2015).

Moreover, all the counters that practice freedom of information have experience unprecedented growth and development. This is possible because there is no hindrance to access to Information with the result that government officials will refrain from shoddy deals that have been the bane of economics development. Public servants who pretend that they are protecting their oath of keeping government documents secret have siphoned huge amount of tax payers' money from government coffers. The freedom of information bill will encourage accountability since the public servants are aware that citizens are now free to look into their documents to see what they are doing. They are also aware that they could be questioned on areas that are not clear. Journalist and information scientist are now free to obtain accurate information's from public institutions. In other words, they will now be in the position to feed the citizens with authentic,

data and information that could authoritatively be used for research work and development purposes.

Although there are some aspects of the information that were not covered in the bill but the fact remains that the passage of the bill will facilitate national development as civil servant will now be alive to their responsibility. The civil servants who were enriching themselves through the said secret documents will now refrain from acts. The public servants are now aware that in line with the provisions of the freedom of Information Act, they could be prosecuted in the law court if they refuse to provide information and data to those that need them (Anyanwu, Akanwa and Ossai-Onah, 2013). Similarly, Enonche (2012) argued that the FOI Act will give Nigerians the vital tool to hold public institutions accountable. No doubt, the Act is a vital tool to ensure democracy and responsible governance in Nigeria.

Other relevance of the Act can be summarized as follows:

- A freedom of information culture will engender openness, transparency and accountability in government.
- Can be a major tool for Nigeria to overcome the vicious circle of corruption, underdevelopment and political instability.
- Culture of whistle blowing will evolve from the Act
- Proactive Disclosure – i.e. when information is made available to the public on the initiative of the public institutions themselves, without anyone having to first submit a request for them
- Free flow of credible information about how governments in Nigeria are run and will help citizens make informed decisions and choices during public debates
- Will make it easier for governments to rally citizens' support for its policies and programmes
- Credible evaluation of the performance of government regimes will be made possible

- Establishing at what point the nation is with issues will be made simpler
- Evidence-based policy making will be made possible in the country

## **The Challenges of FOI in Nigeria**

According to Anyanwu, Akanwa and Ossai-Onah (2013), one of the major challenges of this Act is implementation. Nigerian government are known for passing laws that are not implemented. In Nigerian, the rich are above the law. The law is specifically made for the poor and the less privileged. Omagbemi & Tomori (2016) outlines some of the challenges as:

- **Inadequate Library Support:** It is often said that a country is as good as the level of its library services. There is the need for better library support by governments at all levels. The library must be the engine room of FOI. However, there is the need too for libraries and other information professionals to exhibit willingness to drive the FOI Act.
- **Political Willingness:** This has to do with the mind of the people. Government must be willing to make the FOI work, while the public must be politically aware, agile and proactive
- **Lack of Awareness:** The FOI Act must not reside in the constitution only, but in the minds of the public. Adequate awareness must be created
- **Lack of information Flow:** Information must not remain in silos. The culture of information sharing and dissemination must evolve. This will prevent exclusive governance which does not require peoples' input, while the public must also have accurate information on government activities, policies and pronouncements. This will prevent rumours and misrepresentations
- **Culture of Silence:** Information will remain dormant if not communicated, received and interpreted. The culture of silence about government activities will not make FOI to thrive. It is "the right to ask" and the "right to know" that must be the new culture.

- **Role of The Media:** The FOI has a lot to do with “Freedom Of The Press” Freedom of the Press is the right to publish newspapers, magazines, and other materials without governmental restriction. There is still a question mark on the right of access of the media in Nigeria.
- **Corruption:** In a country where more than 70% of citizens live below poverty level, the urge to provide for self to meet basic needs might see officials compromising the ethics of their callings. There is also the problem of not adequately exhibiting lack of tolerance to corruption by the society. Sources of sudden wealth remain unquestioned.
- **Lack of Security:** The ability of government to guarantee the security of lives and properties to be able to live in peace in any part of the country is germane to the success of the FOI Act. The ability, right and protection of whistle-blowers must be guaranteed.
- **Issue of Content and Source(s):** There is the need for the public to know the content of the FOI Act. They must equally be provided with outlets where their queries could be addressed. The necessary information structures must be provided. Information literacy must also be brought to the fore.

Ogbuokiri (2011) is of the view too that the FOI Act in Nigeria contains more exemptions clauses than the sections that grant access to information. He concludes that only sections 1 and 3 grant accesses to information; sections 7,11,12,14,15,16,17,18,19 and 28 deny the public access to information. There is however, a provision that gives the judiciary the right to arbitrate on this aspect in public interest. It therefore remains for the judiciary to be proactive and transparent.

### **The Library’s Perspective on FOI Bill in Nigeria**

Nigerian libraries will be playing significant roles in ensuring that the FOI is effective. They will also be bringing to the fore their relevance to the Nigerian society. This is supported by Sturges (2013) when he says that ....freedom of

information is not a phenomenon principally driven by the information professions, but it has enormous implications for librarians, information scientists, archivists, records managers and others whose task includes providing users with access to content.

According to Omagbemi & Tomori (2016), libraries in Nigeria have a lot to do to support freedom of information which can be viewed in the following:

- **Reference Services:** Supplying information upon request to enquirers including related referral services both personalized and specialized.
- **Information Consulting Service:** Serving individuals and community groups. Information gathering and informing activities.
- **Public Information Dissemination:** Providing information on community issues while still useful and needed.
- **Advocate Information Service:** The library can be involved in providing information to people in places where they are directly needed. This may involve providing information to people in police stations (not policemen) to inform people being brought in of their legal rights.
- **Cultural Transmission:** Library serving as an agent of mass culture and cultural diversity, orientation and integration. Libraries in Nigeria can also adapt their practices to the Nigerian peculiar cultural identity.
- **Library/Information Literacy Education:** Provide education on how to access the right information through ICT and how to generate and use information.
- **Defender of People's Information Rights:** Promoting "the right to Ask" and the "right to know"
- Libraries can act as intervening procurement agent for citizens who have been denied information which they have legal rights to.
- Libraries can seek better legislations to protect people's rights and can be visible in courts to gain release of information; for positive use and application by citizens.

- The National Library which is the apex library of the nation can take up the role of making sure FOI Act is translated in all Nigerian Languages and be made available in all libraries, reading rooms and information centres.

This will strengthen democracy, promote transparency in governance and deepen people's participation (IFLA, 2006).

## **Conclusion**

The FOI Bill has been described by several authors as the right that enables members of the public to have access to information held by government bodies, and even private organizations. Following this fact, freedom of information is a fundamental human right which Nigerians are entitled to. The public is entitled to the truth, and only correct information can form the basis for sound entrenchment of democracy and assurance of confidence of the public in their government. However, the Act would amount to a waste of efforts if the public who should use it are ignorant of its provisions and if it is frustrated by the challenges listed above. It is only when the law is in use that it can get people informed, reduce corruption, ensure transparency and improve governance in the country.

Libraries have moral right to provide access to information to all which can be used as a form of self empowerment, economic, educational and nation development. Libraries open doors to equitable access to information and knowledge to its citizens and it also have the potential to play a significant role in supporting and contributing to achieving socio-economic development since it is expected to provide people-oriented information resources and services that will enable access to information and broaden the mind of the citizens. Information is dynamic and there is the need for libraries to exhibit dynamism in responding to perceived societal issues by getting positively involved. The issue of freedom of information must therefore be given considerable attention by the libraries.

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